

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

**WILLIAM SEALEY and  
J. MICHAEL NEUSE,**

**Plaintiffs,**

**V.**

**EMCARE, INC.,  
ANESTHESIACARE, and  
CLINICAL PARTNERS, P.A.,**

## Defendants.

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**CIVIL CASE NO. 2:11-cv-00120**

## ORDER GRANTING PLAINTIFFS' MOTION FOR CONDITIONAL CLASS CERTIFICATION

Pending before the Court is Plaintiffs' Motion for Conditional Certification and Judicial Notice to Potential Class Members. (D.E. 35.) After considering the Plaintiffs' Motion, Defendants' Response (D.E. 41), and Plaintiffs' Reply (D.E. 42), the Court is of the opinion that conditional class certification should be **GRANTED**.

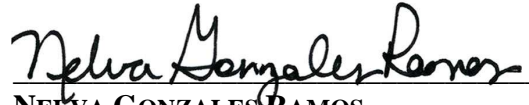
It is therefore **ORDERED** that within fourteen (14) days of the entry of this Order, Defendants EmCare, Inc., AnesthesiaCare, and Clinical Partners, P.A. will disclose to Plaintiffs the names and last known addresses of all individuals who worked for EmCare, Inc. (and/or its related entities) as certified registered nurse anesthetists (CRNAs) and who were paid on an hourly basis and treated as independent contractors at any time in the three years prior to this Order.

Furthermore, the Court **APPROVES** the Notice of Collective Action Lawsuit and Notice of Consent attached hereto.

Plaintiffs' Counsel are **ORDERED** to mail or transmit a copy of the Notice of Collective Action Lawsuit and Notice of Consent to all potential class members identified by Defendants in response to this Order.

The potential plaintiffs have until **Monday, June 12, 2012** to file their Notice of Consent "opting in" to this litigation as plaintiffs.

**ORDERED** this 28th day of March 2012.

  
NELVA GONZALES RAMOS  
UNITED STATES DISTRICT JUDGE

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## NOTICE OF COLLECTIVE ACTION LAWSUIT

**TO:** All individuals who worked for EmCare, Inc. and/or its related entities as Certified Registered Nurse Anesthetists (CRNAs) and who were paid on an hourly basis and treated as independent contractors at any time on or after March 28, 2009.

**DATE:** March 28, 2012

**RE:** Lawsuit Against EmCare, Inc. Claiming Unpaid Overtime

## 1. Why are you receiving this notice?

You are receiving this notice because you worked as a CRNA with EmCare, Inc. and/or its related entities. A lawsuit has been filed against EmCare, Inc. and its related entities alleging that you and other CRNAs are entitled to additional wages under the Fair Labor Standards Act (FLSA).

## 2. What is this lawsuit about?

The people who brought this lawsuit, the Plaintiffs, allege that they and other similarly situated CRNAs are entitled to receive additional wages from EmCare, Inc. and/or its affiliates under federal law because they were treated as independent contractors, paid on

an hourly basis, and not provided overtime pay for hours worked in excess of forty per week.

It is the Defendants' belief that the CRNAs were properly treated as independent contractors, to whom the FLSA overtime provisions do not apply, and that all CRNAs were properly paid in accordance with federal law.

**3. What are your options?**

If you want to join this litigation and claim overtime wages, you must mail the attached Notice of Consent to the Clerk of the Court at the address listed on the bottom of the Notice of Consent form. If you want to join this litigation, your **Notice of Consent must be postmarked by June 12, 2012.**

If you timely mail a Notice of Consent to the Clerk of the Court, you will become part of this case. If you do not indicate otherwise on your Notice of Consent, you will be represented by Plaintiffs' Counsel. You may be bound by the same fee and cost agreements as those of the present Plaintiffs represented by Plaintiffs' Counsel. You may also obtain counsel of your own choosing and at your own expense. If you decide to obtain your own counsel, you must indicate this on the Notice of Consent.

If you decide to become a party plaintiff in this case, you may be required to participate in the litigation, which could include providing sworn testimony in a deposition, answering interrogatories under oath, or testifying at trial of the case in Corpus Christi, Texas. If you join this lawsuit, you may receive money from EmCare, Inc. and/or its affiliates through a verdict or settlement. On the other hand, if Plaintiffs lose this lawsuit, you will receive nothing.

If you do not want to make a claim against EmCare for overtime wages, simply do nothing. If you do nothing, you will not receive any money from this case, even if the Plaintiffs win.

**4. How can you obtain more information?**

You can obtain more information by calling Plaintiffs' Counsel or any attorney of your choosing. Plaintiffs' Counsel are Richard J. Burch and James A. Jones. Mr. Burch and Mr. Jones can be reached at 1-800-443-2441 or 713-877-8788.

**This notice has been authorized by the Honorable Nelva Gonzales Ramos, the Judge to whom this case has been assigned. The Judge takes no position on the merits of the Plaintiffs' claims or the Defendants' defenses.**

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**S**

**CIVIL CASE NO. 2:11-cv-00120**

## NOTICE OF CONSENT

I hereby consent to become a party plaintiff in the above-styled and numbered lawsuit brought pursuant to the Fair Labor Standards Act to recover unpaid overtime wages from my current/former employer(s): EmCare, Inc., AnesthesiaCare, and/or Clinical Partners, P.A.

Full Legal Name (print):
Street Address:
City, State, and Zip Code:
Phone:
E-Mail Address:
Entity With Which You Contracted:

I am represented by (leave blank if you wish to be represented by Plaintiffs' Counsel):

Firm Name (print):
Street Address:
City, State, and Zip Code:
Phone:

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**Signature**

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**Date**

**Return this form to:**

Clerk of the Court  
United States District Court  
1133 N. Shoreline Blvd.  
Corpus Christi, TX 78401